

RECLAMATION

Managing Water in the West

Environmental Assessment (EA)

2017 American River Division Interim Water Service Contract Renewal for the Sacramento Municipal Utility District

Central California Area Office Folsom, CA



U.S. Department of the Interior
Bureau of Reclamation
Mid Pacific Region
Central California Area Office
Folsom, California

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Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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List of Acronyms and Abbreviations

AF	Acre Feet
AFY	Acre-Feet Per Year
BO	Biological Opinion
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FSC	Folsom South Canal
FWS	United States Fish and Wildlife Service
IRC	Interim Renewal Contract
ITA	Indian Trust Assets
LTO	Coordinated Long-term Operations of the Central Valley Project and State Water Project
M&I	Municipal and Industrial
MFP	Middle Fork Project (owned and operated by PCWA)
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
Non-Project	Not Part of the Central Valley Project
PEIS	Programmatic Environmental Impact Statement
ROD	Record of Decision
RPAs	Reasonable and Prudent Alternatives
Reclamation	Bureau of Reclamation
SCWA	Sacramento County Water Agency
SMUD	Sacramento Municipal Utility District
SWP	State Water Project
WA	Warren Act
WFA	Sacramento Water Forum Agreement

Section 1 Introduction

In conformance with the National Environmental Policy Act of 1969 (NEPA), as amended, the Bureau of Reclamation (Reclamation) has prepared this Draft Environmental Assessment (EA) to evaluate and disclose any potential environmental impacts associated with the implementation of a 24-month interim renewal Central Valley Project (CVP) water service contract with the Sacramento Municipal Utility District (SMUD).

1.1 Background

On October 30, 1992, the President signed into law the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) that included Title 34, the Central Valley Project Improvement Act (CVPIA). In accordance with Section 3404(c) of the CVPIA, Reclamation proposes to execute an interim water service contract. Interim renewal contracts (IRC) are issued under the authority of the CVPIA to provide a bridge between the expiration of the original long-term water service contracts and the execution of the next long-term water service contracts. The water service contract proposed for interim renewal is for SMUD. SMUD has two IRCs previously executed following the expiration of the previous long-term water service contract. SMUD is one of seven contractors within the American River Division of the CVP.

Section 3409 of the CVPIA required that Reclamation prepare a programmatic environmental impact statement (PEIS) before renewing long-term CVP water service contracts. The PEIS, completed in October 1999 and hereby incorporated by reference, analyzed the implementation of all aspects of the CVPIA, contract renewal being one of many programs addressed by this Act. CVPIA Section 3404(c) mandated that upon request all existing CVP contracts be renewed. Implementation of other sections of the CVPIA mandated actions and programs that require modification of previous contract articles or new contract articles to be inserted into renewed contracts. These programs include water measurement requirements (Section 3405(b)), water pricing actions (Section 3405(d)), and water conservation (Section 3405(e)). The PEIS evaluated CVP-wide impacts of long-term contract renewal at a programmatic level. Upon completion of contract renewal negotiations, the local effects of long-term contract renewals at the division level were evaluated in environmental documents that tiered from the PEIS.

Environmental documentation covering long-term renewal of American River Division water service contractors was completed in June 2005 (Reclamation 2005) and is hereby incorporated by reference. This documentation evaluated the

effects of renewing long-term contracts for Roseville, Placer County Water Agency, Sacramento County Water Agency, San Juan Water District (SJWD), Sacramento Municipal Utility District, El Dorado Irrigation District, and East Bay Municipal Utility District. The Record of Decision (ROD) for the American River Division long-term renewals was signed on February 28, 2006 (one day prior to the beginning of a new contract year). Three of the seven American River Division contractors, SJWD, El Dorado Irrigation District, and East Bay Municipal Utility District were able to execute the long-term contracts prior to the beginning of the new contract year. The remaining Division contractors all had existing contracts in place that allowed for the continued delivery of water in the 2006 water year.

1.1.1 Sacramento Municipal Utility District

SMUD entered into a contract with Reclamation on November 20, 1970, which expired on December 31, 2012, for the delivery of up to 60,000 acre-feet per year (AFY) of CVP water for Municipal and Industrial (M&I) uses. This contract also contained the authorization for delivery of up to 15,000 AFY of water rights water made available to SMUD by the City of Sacramento. This water was made available as a result of a previous assignment of water to SMUD from the City of Sacramento. The 60,000 AFY of CVP water under the contract was to be used by SMUD in its power generation operations, and was used for more than 15 years for the Rancho Seco nuclear power plant operations. In the 1980s, the nuclear power plant operations ceased. Since that time, water has been used for continued operation of the site including temperature controls for the nuclear fuels stored at the site.

In 2006 SMUD began operating two gas-powered generators at the Rancho Seco site known as the Cosumnes Power Plant (CPP). The CPP consists of a nominal 1000-megawatt combined-cycle natural gas fired plant. The plant was constructed in two phases, each consisting of 500 megawatts. SMUD has a yearly need of 2,650 AF of water for the exclusive use of the CPP.

On July 12, 2006, SMUD assigned to Sacramento County Water Agency (SCWA) the right, title, and interest in a portion of their CVP contract consisting of 30,000 AFY of CVP water. The assignment afforded SCWA any rights to renew the contract, thus reducing SMUD's CVP water to 30,000 AFY.

The delivery of the water rights water made available to SMUD by the City of Sacramento was separated from the 1970 contract, and is now recognized under a Warren Act (WA) contract between Reclamation and SMUD executed December 28, 2012.

SMUDs surface water entitlements from the American River now total 45,000 AFY for diversion at Nimbus Dam. SMUD diverts their CVP and WA contract water from the American River at Nimbus Dam for delivery to their Rancho Seco service area through the Folsom South Canal (FSC) (see Appendix A).

1.2 Action Description

Reclamation proposes to enter into a 24-month IRC with SMUD, an American River contractor, to provide SMUD with an interim CVP contract for up to 30,000 AFY of CVP water for M&I uses in SMUD's Rancho Seco service area (figure 1). SMUD has two IRCs previously executed following the expiration of the previous long-term water service contract.

The term of the SMUD IRC would be from March 1, 2017 through February 28, 2019. In the event a new long-term water service contract is executed, the IRC, then-in-effect, would be superseded by the long-term water service contract. Effects of executing the long-term water service contract would be analyzed under a separate environmental document.

There would be no changes to SMUD's CVP service area and no construction is required as part of the Proposed Action. Changes to the CVP service area would be a separate federal action and would be analyzed under a separate environmental document.

The use of contract water for M&I use under the proposed IRC would not change from the M&I purpose of use specified in SMUD's existing IRC.

The purpose of the Proposed Action is to execute an IRC to provide a continued contract mechanism for the delivery of CVP water to SMUD. The IRC will continue to provide a bridge between expiration of SMUDs CVP contract and a new long-term CVP contract, for use by SMUD as they reach build-out within their Rancho Seco service area. The contract also continues reimbursement to the federal government for costs related to the construction and operation of the CVP.

Section 2 Alternatives Including the Proposed Action

This EA considers two possible actions: the No Action Alternative and the Proposed Action. The No Action Alternative reflects future conditions without the Proposed Action and serves as a basis of comparison for determining potential effects to the human environment.

2.1 No Action Alternative

Under the No Action Alternative, the 2015 IRC between SMUD and Reclamation would expire on February 28, 2017. There would be no contractual mechanism for Reclamation to deliver up to 30,000 AFY of CVP water to SMUD, and the existing needs of SMUDs customers would not be met through these CVP contract supplies. It is reasonably assumed that water use in the Contractor's service area for the two year IRC period of March 1, 2017 through February 28, 2019 would not substantially change because this deficit could be covered from surface water supplies made available to the Contractor from non-CVP sources or other CVP supplies.

Under the No Action Alternative, Reclamation would continue to operate the CVP consistent with all requirements as described in the 2008/2009 BOs from the FWS and NMFS, respectively on the Continued Long-Term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BOs from the FWS and NMFS, respectively on the Effects of the Coordinated Operations of the CVP and SWP to federally listed species.

2.2 Proposed Action

The Proposed Action is to enter into an IRC with SMUD to provide the contract mechanism to facilitate the delivery of up to 30,000 AFY of CVP water from Folsom Reservoir.

Water associated with this action would be delivered at the point of delivery for SMUD's CVP water; milepost 24.681 (left side) on the Folsom South Canal located at a point 700 feet upstream from the inlet transition of the Laguna Creek siphon. This point of diversion is an approved CVP point of diversion.

The contract service area for the proposed IRC has not changed from current use or from that considered in the evaluation of long-term contract renewals

conducted in 2005 (Reclamation, 2005). The proposed contract quantity will remain the same as SMUD's existing IRC.

In the event a new long-term water service contract is executed under the proposed IRC, the IRC then-in-effect would be superseded by the long-term water service contract, and analyzed under a separate process. For purposes of this EA, the following requirements are assumed under the Proposed Action:

- A 24-month interim renewal period, March 1, 2017 to February 28, 2019, is considered in the analysis;
- The IRC would be renewed with existing contract quantities; and
- Reclamation would continue to comply with commitments made or requirements imposed by applicable environmental documents, such as existing biological opinions (BOs) for CVP system operations including any obligations imposed on Reclamation resulting from re-consultations.

2.2.1 Action Area

The Action Area consists of Folsom Reservoir downstream to the lower American River at the confluence of the Sacramento River, the FSC, and the SMUD Rancho Seco service area.

Section 3 Affected Environment and Environmental Consequences

SMUD's CVP contract service area is contained within the American River Division of the CVP along with six other water purveyors. The service area boundary within Sacramento County where CVP water is served is identified in Appendix A.

This EA considers the potential effects of the IRC on the resources listed below. The analysis contained in the December 15, 2008 and June 4, 2009 BOs, including their RPAs, from the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) respectively, on the *Continued Long-term Operations (LTO) of the CVP and State Water Project (SWP)* (USFWS 2008, NMFS 2009), and the ensuing 2016 LTO EIS and Record of Decision (ROD) is incorporated by reference into this document.

Reclamation formed an interdisciplinary team to identify any physical, biological, social, cultural or economic issues that might be affected by the alternatives. The analysis of these resources compares effects of the Proposal to the No Action Alternative. Reclamation considered and determined that the Proposed Action would not impact the following resources:

- **Indian Trust Assets:** Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the United States for Indian Tribes or individual Indians. Indian reservations, Rancherias, and Public Domain Allotments are common ITAs in California. There are no known ITAs present within the Action Area; therefore, the Proposed Action does not have a potential to affect ITA's (See Appendix A, Indian Trust Assets Compliance Memo).
- **Indian Sacred Sites:** Executive Order 13007 (May 24, 1996) requires that federal agencies accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and avoids adversely affecting the physical integrity of such sacred sites on federal lands. Indian sacred sites do not occur at the point of delivery on Folsom South Canal and SMUDs service area is not located on federal lands; therefore, the Proposed Action would not affect access to or use of Indian sacred sites on federal lands.
- **Environmental Justice:** Communities in SMUDs Rancho Seco service area and area near the points of delivery do not constitute low-income or minority communities. The IRC is a continuation of existing conditions and would not adversely change conditions at or near community

gathering places, institutions, workplaces, or housing within the place of use or near the point of delivery. Therefore the action would have no disproportionate effect on low-income or minority communities.

- **Land Use:** No changes to land use are associated to the Proposed Action, and therefore, there will be no impacts to land use.
- **Climate Change:** Under the Proposed Action, SMUD would continue to divert CVP water from their point of diversion on the FSC. SMUDs CVP water enters the FSC just above Nimbus Dam (which forms Lake Natoma), where it is gravity fed to SMUDs point of diversion along the FSC. Under the Proposed Action, SMUDs CVP water may flow through the Folsom Power Plant, creating hydroelectricity before it enters Lake Natoma, thus potentially creating additional power on the grid. Under the No Action Alternative, water would flow through Nimbus Dam and the Nimbus Power Plant, creating hydroelectricity and adding power to the grid. Under the No Action Alternative, SMUD would likely meet their service area demands using non-CVP surface water supplies, as described in Chapter 1, and would not require additional energy demands. There would be no impacts to global climate change under either alternative.
- **Cultural Resources:** By implementing the Proposed Action Alternative, all water will be delivered within existing water service area boundaries utilizing existing water conveyance. The Proposed Action has no potential to cause effects on historic properties pursuant to 36 CFR §800.3(a)(1).

This EA provides analysis of the affected environment of the Proposed Action and No Action Alternative in order to determine the potential impacts and cumulative effects to the following environmental resources.

3.1 Biological Resources

3.1.1 No Action

Implementation of the No Action Alternative would mean that the existing IRC with SMUD would expire in February 2017, and SMUD would not have a contract mechanism for delivery of their CVP water. The existing IRC provides CVP water to SMUD for M&I purposes.

The No Action Alternative assumes that water demands in SMUDs CVP service area would be met with non-CVP supplies or other CVP supplies. This is supported by other sources of water available to SMUD for use in their Rancho Seco service area. The No Action Alternative also includes the operations of the CVP consistent with all requirements as described in the 2008/2009 BOs from the

FWS and NMFS, respectively on the Continued Long-Term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BOs from the FWS and NMFS, respectively on the Effects of the Coordinated Operations of the CVP and SWP to federally listed threatened and endangered species under the Endangered Species Act.

Actions would continue to be taken to protect sensitive species in the American River including formulation of an annual water temperature management plan for steelhead, the Flow Management Standard for the lower American River, use of CVPIA Section 3406 (b)(2) water supplies to supplement flows in the Lower American River, flow and temperature requirements, and examinations of potential improvements to fish passage and structural temperature control options. There would be no adverse effects to biological resources under the No Action Alternative.

3.1.2 Proposed Action

Impacts to biological resources under the Proposed Action would be identical to conditions under the No Action Alternative. The IRC would provide for the delivery of CVP water in the same quantity to the same lands for the same M&I uses as would be provided under the No Action Alternative. This would be no change from conditions under the existing IRC. Reclamation would continue to operate the CVP consistent with the 2008/09 BOs, and water deliveries would be made through existing CVP facilities.

The action does not require the construction of any new facilities, the installation of any new structures, or the modifications of existing facilities. The water would be placed to beneficial use within the authorized place of use for CVP water from Folsom Reservoir. The potential effects to biological resources occurring within the action area of this Proposed Action have been analyzed in Chapter 9 of the 2016 EIS on the LTO of the CVP and SWP. The impact analysis considered changes in the ecological attributes that affect fish and aquatic resources related to changes in CVP and SWP operations, including: changes in reservoir storage volumes, elevations, and water temperatures in primary storage reservoirs. Potential changes in reservoir storage, elevation and temperature could affect downstream fisheries by changing flow and temperature regimes.

The LTO EIS used modeling data to compare historical and future average monthly hydrologic conditions, such as reservoir elevation, storage and temperatures to understand the potential impacts to aquatic resources within the CVP and SWP. This information was compared between each alternative to consider an environmentally preferable alternative to influence positive instream conditions for ESA-listed aquatic species, and to meet downstream water objectives. Reclamation concluded that the environmentally preferable alternative

would be to operate the CVP consistent with the 2008, 2009 BOs and their associated RPAs.

The analysis contained in Chapter 9 of the LTO EIS assumed full contract deliveries of CVP water, including this Proposed Action, in respect to the potential effects on aquatic resources; these results are contained in Table 9.5 (pp. 9-424-9-426) of the LTO EIS (Reclamation, 2016).

Implementation of the Proposed Action would not change biological resources within the Action Area; therefore, the biological resources analysis contained in Chapter 9 of the 2016 EIS on the LTO of the CVP and SWP, which was conducted upon adoption of the 2008/2009 BOs, including their RPAs is incorporated by reference into this document. This action is also in accordance with Section 3404(c) of the CVPIA; in which the Final PEIS and Programmatic CVPIA BO were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects).

In addition, as part of the essential fish habitat conservation consultation, NMFS analyzed the effects of the Proposed Action on fall-run Chinook salmon in the Lower American River. In general, NMFS identified the primary factors potentially limiting fall-run production within the Lower American River as high water temperatures, reduced flow magnitude, and flow fluctuations. NMFS identified RPAs to alleviate the effects of Folsom Reservoir operations on fall-run Chinook salmon in the Lower American River. The Proposed Action was addressed in the consultation and is subject to the NMFS BO.

Reclamation is currently operating the overall CVP system to meet all regulatory requirements, downstream water needs, and environmental requirements. Under the Proposed Action, Reclamation would continue to implement all current regulatory actions. The Proposed Action would not alter CVP operations, water storage or release patterns from CVP facilities, or the maximum volume of water to be delivered to the American River Division; therefore, conditions under the Proposed Action Alternative would be the same as those under the No Action Alternative.

3.2 Water Supply and Hydrology

3.2.1 No Action

Implementation of the No Action Alternative would mean that the existing IRC would expire in February 2017 and SMUD would not have a contract mechanism for the delivery of 30,000 AFY to their Rancho Seco service area. SMUD has access to additional surface water supplies, for use within their service area. It is

reasonable to assume that SMUD would still have adequate supplies to meet their demands under the No Action Alternative.

3.2.2 Proposed Action

Under the Proposed Action, Reclamation would enter into a two-year IRC with SMUD to provide a contractual mechanism for the delivery of up to 30,000 AFY of CVP supplies from Folsom Reservoir. The 2016 Final EIS for the LTO of the CVP and SWP included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold water pool with implementation of SCWA's CVP supply. This analysis indicates that the Proposed Action would not have any changes to cold water pool volume and therefore, would not have any additional effect on Reclamation's ability to meet downstream fisheries requirements. Because the implementation of these water service contracts was found not to affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the Proposed Action would not result in any new affects to Reclamation's operation of Folsom Reservoir or management of the cold water pool, as this is a renewal for ongoing operations within the CVP.

The contract quantity was included in the impact analysis presented in the December 15, 2008 and June 4, 2009 BOs from the FWS and the NMFS, respectively, on the Continued Long-term Operations of the CVP and the SWP, as well as the FRWP EIS/EIR (Reclamation, 2004). In addition, this action is also in accordance with Section 3404(c) of the CVPIA; in which the Final PEIS and Programmatic CVPIA BO were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects). The impact assessments for the CVPIA PEIS and the 2008/2009 BOs including the full deliveries, were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under the future conditions.

The Proposed Action does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. With implementation of the Proposed Action, CVP reservoir storage and operations, surface water elevations, and release patterns would not change. The Proposed Action would not result in impacts to water resources.

3.3 Facility Operations

3.3.1 No Action

Implementation of the No Action Alternative would mean that the existing IRC would expire in February 2017 and SMUD would not have a contract mechanism

for up to 30,000 AFY of CVP to be delivered through Folsom South Canal to flow to SMUD facilities at Rancho Seco in the south eastern portion of Sacramento County. SMUD would not have a contract mechanism for delivery of their CVP water. SMUD would likely continue to meet demands within their Rancho Seco service area through the use of non-CVP surface water supplies, as described in Chapter 1.

However, under the No Action Alternative, Reclamation would continue to operate the CVP consistent with all requirements as described in the 2008/2009 BOs from the FWS and NMFS, respectively on the Continued Long-Term Operations of the CVP and SWP. This includes the Reasonable and Prudent Alternatives (RPAs) contained in the 2008/2009 BOs from the FWS and NMFS, respectively. Potential impacts to CVP facilities and CVP operations resulting from the implementation of the 2008/09 BiOps were analyzed in the 2016 LTO EIS, and is hereby incorporated by reference (Reclamation 2016).

Deliveries of non-CVP water through the Folsom South Canal to SMUD are analyzed under separate environmental documents.

3.3.2 Proposed Action

Under the Proposed Action, Reclamation would enter into a two-year IRC with SMUD to provide a contractual mechanism for the delivery of up to 30,000 AFY of CVP supplies from Folsom Reservoir. The 2016 Final EIS for the LTO of the CVP and SWP included analysis to evaluate potential impacts to Folsom Reservoir operations and Reclamation's management of the cold water pool with implementation of SMUDs CVP supply. This analysis indicates that the Proposed Action would not have any changes to cold water pool volume and therefore, would not have any additional effect on Reclamation's ability to meet downstream fisheries requirements. Because the implementation of these water service contracts was found not to affect Folsom Reservoir operations, it is reasonable to conclude that implementation of the Proposed Action would not result in any new effects to Reclamation's operation of Folsom Reservoir or management of the cold water pool, as this is a renewal for ongoing operations within the CVP.

The contract quantity was included in the impact analysis presented in the December 15, 2008 and June 4, 2009 BOs from the FWS and the NMFS, respectively, on the Continued Long-term Operations of the CVP and the SWP. In addition, this action is also in accordance with Section 3404(c) of the CVPIA; in which the Final PEIS and Programmatic CVPIA BO were released in October 1999 and November 2000, respectively. The PEIS addressed the implementation of the CVPIA and the continued operation and maintenance of the CVP (incremental and cumulative effects). The impact assessments for the CVPIA

PEIS and the 2008/2009 BOs including the full deliveries, were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under the future conditions.

The Proposed Action does not require the construction of any new facilities, the installation of any new structures, or the modification of existing facilities. With implementation of the Proposed Action, CVP reservoir storage and operations, surface water elevations, and release patterns would not change. The Proposed Action would not result in impacts to water resources.

3.4 Cumulative Impacts

According to the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA, a cumulative impact is defined as the *impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions*. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

The IRC for SMUD would not result in cumulative adverse impacts to environmental resources when considered in combination with other past, present, and reasonably foreseeable future actions. This action is a continuation of current CVP water conveyance, and implementation of this action would be the continuation of current events. The CVPIA PEIS included the full contract deliveries in the assumptions regarding future use. By including full deliveries, these impact assessments were able to adequately address the hydrologic, operational, and system-wide cumulative conditions expected under future conditions. The analyses also indicated that future projects, including future water transfer projects, may improve CVP water supply reliability. These types of programs would modify water supply reliability but not change long-term CVP contract amounts or deliveries from within the historical ranges.

Additionally, full contract deliveries for this Proposed Action were included in the analysis of the 2016 LTO EIS, and is considered to be a continuation of current operations. Reclamation has determined that the Proposed Action has been adequately addressed in the Cumulative Effects analysis for the 2016 LTO EIS. A detailed description of the LTO EIS cumulative effects for water supply is described in Table 5.117 (pp. 5-276-78) of the LTO EIS (Reclamation, 2016).

The Proposed Action, when added to other past, present, and reasonably foreseeable future actions, would not result in additional cumulative effects to the surrounding environment, CVP operations, Folsom Reservoir operations, water supply or hydropower.

Section 4 Consultation and Coordination

This section presents the agencies and parties that were coordinated or consulted with during development of the document, the applicable federal, State and local requirements the project will comply with, and the distribution list.

It is reasonable to assume that the 2008 and 2009 BOs, and proceeding BOs have properly identified and analyzed biological impacts associated with the movement of this water through Folsom Reservoir. Furthermore, the 2008/2009 BOs provided additional analyses for the movement of this water and RPAs developed by NMFS and FWS allowed for continued and ongoing operation of the CVP. Therefore, renewal of this contract is seen as an administrative action and not a new action that will hinder current operations in managing Folsom Reservoir or the Lower American River.

The 2008 FWS BO and 2009 NMFS BO for the LTO of CVP the CVP and SWP issued RPAs to ensure that project related effects on protected species and their habitats are ameliorated to the extent possible.

4.1 Public Review Period

Reclamation intends to provide the public with an opportunity to comment on the Draft EA between December 27, 2016 and January 27, 2017.

4.2 Endangered Species Act (16 U.S.C. § 1531 et seq.)

Section 7 of the Endangered Species Act requires Federal agencies, in consultation with the Secretary of the Interior and/or Commerce, to ensure that their actions do not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of these species.

The Proposed Action is consistent with: (1) CALFEDs 2000 Ecosystem Restoration Program Plan (ERPP) and Multi-Species Conservation Strategy (MSCS); (2) the programmatic determinations for the CALFED program, which include California Department of Fish and Wildlife's (CDFW) Natural Community Conservation Planning Act (NCCPA) approval and the 2009 NMFS, 2008 USFWS and 2004/2005 BOs; (3) USFWSs 1997 Draft Anadromous Fish Restoration Program (AFRP), which identifies specific actions to protect anadromous salmonids; (4) CDFWs 1996 Steelhead Restoration and Management

Plan for California, which identifies specific actions to protect steelhead; and (5) CDFWs Restoring Central Valley Streams, A Plan for Action (1993), which identifies specific actions to protect salmonids.

4.3 National Historic Preservation Act (16 U.S.C. § 470 et seq.)

The NHPA of 1966, as amended (16 U.S.C. 470 et seq.), requires that federal agencies give the Advisory Council on Historic Preservation an opportunity to comment on the effects of an undertaking on historic properties, properties that are eligible for inclusion in the National Register. The 36 CFR Part 800 regulations implement Section 106 of the NHPA.

Section 106 of the NHPA requires federal agencies to consider the effects of federal undertakings on historic properties, properties determined eligible for inclusion in the National Register. Compliance with Section 106 follows a series of steps that are designed to identify interested parties, determine the APE, conduct cultural resource inventories, determine if historic properties are present within the APE, and assess effects on any identified historic properties.

Reclamation has considered the potential effects on cultural and historic resources resulting from the Proposed Action. The cultural resources compliance memorandum is contained in Appendix A

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Section 5 References

- National Marine Fisheries Service (NMFS). June 4, 2009. Biological Opinion on the Continued Long-term Operations of the Central Valley Project and the State Water Project.
- Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575), Title 34, the Central Valley Project Improvement Act, October 30, 1992
- U.S. Department of the Interior. Bureau of Reclamation. U.S. Fish and Wildlife Service, Sacramento, California. Central Valley Project Improvement Act Programmatic Environmental Impact Statement, October 1999.
- U.S. Bureau of Reclamation (Reclamation). June 2005. Long-term Renewal of the American River Division water service contract.
- U.S. Bureau of Reclamation (Reclamation). 2016. Environmental Impact Statement (EIS) on the Coordinated Long-Term Operation of the CVP and SWP.
- U.S. Fish and Wildlife Service (USFWS). December 15, 2008. Biological Opinion on the Continued Long-term Operations of the Central Valley Project and the State Water Project.
- Sacramento Water Forum. January 2000. Sacramento Water Forum Agreement.
http://www.waterforum.org/wp-content/uploads/2015/09/WF_Agreement_Compiled.pdf

Appendix A: Cultural Resources

Compliance Memo

Appendix B: Indian Trust Assets

Compliance Memo